



Security Council

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Letter dated 19 October 2015 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 16 July 2015 from the Secretary-General of the Frente Polisario, Mohammed Abdelaziz, addressed to the Secretary-General of the United Nations (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Jeremiah Nyamane Kingsley Mamabolo
Ambassador and Permanent Representative of
the Republic of South Africa

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Annex to the letter dated 19 October 2015 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

On behalf of the Saharawi Government and the Polisario Front, I am writing to draw your attention to the most recent development in Morocco's long record of illegal exploration and exploitation of the natural resources of Western Sahara.

An Ireland-based company, San Leon Energy, in cooperation with Morocco's State-owned Office National des Hydrocarbures et des Mines (ONHYM), plans to commence drilling in August 2015 at the onshore well in Tarfaya, El Aaiun-4, in the occupied territory of Western Sahara, to determine if there are commercial quantities of hydrocarbon resources in the area.

These activities, pursuant to licences granted by Morocco's ONHYM, constitute a serious violation of international law and of the permanent sovereignty of the Saharawi people over their own natural resources, and run the risk of undermining any new efforts by the Personal Envoy of the Secretary-General for Western Sahara, Christopher Ross, to find a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara, in accordance with Security Council resolutions.

Western Sahara is not part of Morocco. It is a Non-Self-Governing Territory under the Charter of the United Nations awaiting a process of decolonization. Morocco's presence in the Territory is the result of an illegal invasion and subsequent illegal occupation, as confirmed in General Assembly resolutions 34/37 and 35/19 that assert that Morocco is the occupying power of Western Sahara and that the United Nations has never recognized it as administering power of the territory.

As an occupying power, the Kingdom of Morocco and its government agencies and corporations have no legal competence to enter into agreements and/or grant exploration and development licences with respect to Western Sahara's natural resources. The International Court of Justice confirmed in 1975 that there are no sovereign ties between Morocco and Western Sahara, and, in fact, no country has recognized Morocco's sovereignty over any part of Western Sahara, thus further underlining the illegality of any attempt by Morocco to enter into agreements with foreign interests for the purpose of exploiting Western Sahara's natural resources.

As Western Sahara is a recognized Non-Self-Governing Territory under the Charter of the United Nations, the people of Western Sahara have the sovereign right to control their natural resources, as affirmed by the United Nations legal opinion of 29 January 2002, provided to the Security Council in response to its request for an opinion on the legality of Moroccan efforts to enter into contracts with foreign entities for the exploration of the mineral resources in Western Sahara, which stated that "if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories" (see S/2002/161, para. 25).

Neither Morocco nor San Leon Energy has sought to contact, inform or seek authorization for its ongoing and proposed activities from the SADR Government, the only recognized sovereign authority of the Territory and representative of the

Saharawi people of Western Sahara. Without seeking the consent of the people of Western Sahara and ensuring that the planned activities will directly benefit the people in the Territory, San Leon Energy has failed to satisfy the basic requirement of international law on the exploitation of the natural resources of a Non-Self-Governing Territory.

The ongoing exploitation of the natural resources of Western Sahara by Morocco and the complicit foreign entities is in breach of the Saharawi people's permanent sovereignty over their natural resources and the sacred trust owed to them under Article 73 of the Charter of the United Nations to ensure that the interests of the inhabitants of a Non-Self-Governing Territory are paramount. To this end, the SADR Government, as the internationally recognized representative of the Saharawi people, reserves the right to use all available means, including legal avenues, to prevent and seek reparation in respect of any unauthorized activities relating to the natural resources of Western Sahara.

Given the clarity of the applicable law on this matter, and in the light of the detrimental impact that the actions of Morocco and San Leon Energy could have on the implementation of Security Council resolutions, we urgently request that the Secretary-General condemn these activities, which are in clear violation of international law, and call on Morocco and the complicit foreign companies to stop the illegal exploitation of the natural resources of Western Sahara.

We believe it is the responsibility of the States Members of the United Nations to fulfil their obligations under Chapter XI of the Charter of the United Nations, and for the United Nations to take all necessary measures to stop the illegal plunder of the natural resources of Western Sahara. If these measures are not taken, then the illegal exploration and exploitation of the Territory's resources will further undermine the long-standing efforts of the United Nations to reach a peaceful solution that will provide for the self-determination of the people of Western Sahara, as required by numerous Security Council resolutions.

(Signed) Mohammed Abdelaziz
Secretary-General of the Frente POLISARIO
President of the Saharawi Arab Democratic Republic